

**AUGUST 3, 2006**

**REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 263, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Campos, DeJesus, Marshall, Sparks, Veronese

**DISCUSSION AND POSSIBLE ACTION TO GRANT OR DENY MOTION FOR DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST CAPTAIN GREGORY CORRALES (FILE NO. C04-123 JWF), LIEUTENANT HENRY PARRA (FILE NO. C04-124 JWF), LIEUTENANT ED COTA (FILE NO. C04-120 JWF), SERGEANT JOHN SYME (FILE NO. C04-121 JWF), INSPECTOR PAUL FALCONER (FILE NO. C04-119 JWF), OFFICER GENE CORNYN (FILE NO. C04-125 JWF), AND OFFICER DAN MILLER (FILE NO. C04-122 JWF) UNDER GOVERNMENT CODE 3304(d)**

Opening statement by Mr. James Lassart, Attorney at Law, representing Lieutenant Parra et al.

Opening statement by Ms. Jean Field, Attorney at Law, representing the Office of Citizen Complaints.

Closing statement by Mr. James Lassart, Attorney at Law, representing Lieutenant Parra et al.

*(This proceeding was taken in shorthand form by Ms. Anna Greenly, CSR.)*

**PUBLIC COMMENT**

None

**VOTE ON WHETHER TO CONVENE TO CLOSED SESSION**

\_\_\_\_\_ Motion by Commissioner DeJesus, second by Commission Campos to convene to Closed Session. Approved 6-0.

**POSSIBLE REPORT ON ACTION TAKEN IN CLOSED SESSION, PURSUANT TO GOVERNMENT CODE SECTION 54957.1 AND S.F. ADMINISTRATIVE CODE SECTION 67.12(b)**

Commissioner Renne announced that the Commission has met and decided to deny the motion.

\_\_\_\_\_ Motion by Commissioner Campos, second by Commissioner DeJesus to deny the motion. Approved 6-0.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Sparks, Veronese

**VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSION HELD IN CLOSED SESSION PURSUANT TO S.F. ADMINISTRATIVE CODE SECTION 67.12(a)**

Motion by Commissioner Marshall, second by Commissioner DeJesus for non disclosure of discussion held in Closed Session. Approved 6-0.

**PUBLIC COMMENT**

Ace Washington discussed concerns regarding issuance of his press pass.  
Karol Sullivan, Asa Sullivan's brother, asked for justice for his brother.  
Unidentified asked that hostility between the Department and the community should stop.

## **CHIEF'S REPORT**

- a. **Update on significant policing efforts by Department members**
- b. **Update on Officer-Involved Shooting (OIS) Case No. 006-004 per Department General Order 8.11, Rule II.I.1(a)**

Taken out of order.

Chief Fong updated the Commission regarding National Night Out on August 1<sup>st</sup>.

Chief Fong stated she wanted to address the two items that came up during public comment. Chief Fong stated that Sgt. Gittens is still working on a number of press passes and that he is still working on those press passes. Secondly, in regards to the Sullivan family, Chief Fong stated that a second letter was sent to the legal counsel and since that letter, the Department have not received any response from that legal counsel.

Commissioner Veronese commended the Chief and the Committee who organized Officer Birco's services. Commissioner Veronese stated that just because a lawsuit is filed he does not think that information should be cut off to the family. Commissioner Veronese also stated that Ace Washington would be a great asset in getting information to the communities and would like an explanation as to why he does not have his press pass.

Commissioner Sparks thanked the Chief and the Department for the services for Officer Birco. Commissioner Sparks asked about the process for press passes and asked how it can be expedited. Commissioner Sparks also asked about the Sullivan matter and asked how comments and/or opinions get out to the media or to the public. Chief Fong stated that she does not know how opinions and comments get to the media. Commissioner Sparks also asked what information were made available to the Sullivan and the Lefiti family. Chief Fong stated that she can't speak as to the Sullivan matter but in the Lefiti case, the incident report, the completed crime scene log, the CAD has been released. There was a request for a Commission DVD and that was made and provided to the family. A request for the medical examiner's report was requested and the wife of Mr. Lefiti was referred to the Medical Examiner's Office and they are having direct conversation. The Lefiti family also requested for Department general orders and those were provided to them.

Commissioner Campos thanked the Chief and the Department for the services for Officer Birco. Commissioner Campos also asked if additional resources and/or services can be provided to members at the Bayview Station. Chief Fong stated that as early as the evening of the incident, the Crisis Incident Response Team were out at not only Bayview but other stations because a lot of officers responded to the incident. Since then, there has been a number of debriefings held at the station. The Chief also stated that the Department is providing support to the Birco Family through the Department's Chaplin and the Department's Behavioral Unit.

Commissioner Campos also stated that he is surprised that the press pass issue has not been resolved and asked the Chief for some kind of resolution.

Commissioner DeJesus also talked about the press pass issue and the Sullivan matter.

Commissioner Marshall also asked about the press pass issue. Commissioner Marshall also talked about an incident in the Western Addition. Chief Fong stated that there was an incident and officers responded to the scene and paramedics were summoned to the scene as well and there were those who made it difficult for the officers, the fire fighters, and the paramedics to do what they have to do.

## **PUBLIC COMMENT**

Unidentified stated that there is huge mistrust between the community and the Department and stated that community outreach should be ongoing.

Ace Washington discussed concerns regarding distrust of the community and discussed concerns regarding statements made by Captain Dillon.

Asa Sullivan's brother discussed concerns regarding mistrust by the community.

**DISCUSSION AND POSSIBLE ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS REGARDING PROPOSED ORDINANCE ESTABLISHING A ONE- YEAR PILOT PROGRAM REQUIRING FOOT PATROLS IN CRIME- IMPACTED AREAS OF NORTHERN AND PARK POLICE DISTRICT STATIONS (BOARD FILE NO. 060700)**

and

**DISCUSSION AND POSSIBLE ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS REGARDING A PROPOSED ORDINANCE REQUIRING THAT DISTRICT STATION BOUNDARIES BE REVIEWED EVERY TEN (10) YEARS AND SETTING PROCEDURES FOR SUCH REVIEW (BOARD FILE NO. 060795)**

Both items taken out of order.

Supervisor Mirkarimi talked about both proposed ordinances regarding foot patrols and District Station Boundaries.

Commissioner Renne stated that there is consensus to move forward with the legislation. Commissioner Renne stated that with the District Boundaries to move forward with the three amendments made by the Commission and that is that it is the Commission that draws the boundaries. Commissioner Renne also asked that language for public input be placed in

**RESOLUTION NO. 51-06**

**APPROVAL OF THE POLICE COMMISSION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS REGARDING PROPOSED ORDINANCE ESTABLISHING A ONE- YEAR PILOT PROGRAM REQUIRING FOOT PATROLS IN CRIME- IMPACTED AREAS OF NORTHERN AND PARK DISTRICT STATIONS (BOARD FILE NO. 060700)**

RESOLVED, that the Police Commission hereby endorses the program and expresses its support for the proposed Community Safety Camera Ordinance Legislation (Board of Supervisors file #060086).

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

**RESOLUTION NO. 52-06**

**APPROVAL OF THE POLICE COMMISSION TO ENDORSE AND EXPRESS SUPPORT TO THE BOARD OF SUPERVISORS REGARDING PROPOSED ORDINANCE REQUIRING THAT DISTRICT STATION BOUNDARIES BE REVIEWED EVERY TEN (10) YEARS AND SETTING PROCEDURES FOR SUCH REVIEW (BOARD FILE NO. 060795)**

RESOLVED, that the Police Commission hereby endorses the program and expresses its support for the proposed ordinance requiring that District Station boundaries be reviewed every ten (10) years and setting procedures for such review (Board File No. 060795).

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

**CHIEF'S REPORT** continued:

**b. Update on Officer-Involved Shooting (OIS) Case No. 006-004 per Department General Order 8.11, Rule II.I.1(a)**

Captain Hennessey, Investigations, reported on the status of OIS Case No. 006-004 per Department General Order 8.11, Rule II.I.1(a).

**OCC DIRECTOR'S REPORT**

**a. Review of Recent Activities**

\_\_\_\_\_ Ms. Jean Field, for Director Allen, reported that Director Allen will be leaving for Russia tomorrow for Climate of Trust and will be back in a week.

Commissioner Sparks asked who is in charge of the OCC when the Director is gone. Ms. Field stated that the Chief Investigator is usually in charge in the absence of the Director.

Commissioner Campos asked who pays for the trips. Ms. Field stated that she does not know but will find out for the Commission.

**PUBLIC COMMENT**

None

**APPROVAL OF THE MINUTES FOR THE MEETING OF JULY 12, 2006**

Motion by Commissioner DeJesus, second by Commissioner Veronese to approve the minutes. Approved 6-0.

**COMMISSION ANNOUNCEMENTS**

- a. **Withdrawal of the Appeal of the Chief's Suspension of Officer Kenneth Canedo (File No. MCD A266-03)**

**RESOLUTION NO. 53-06**

**NOTICE OF WITHDRAWAL OF THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER KENNETH CANEDO (FILE NO. MCD A266-03)**

WHEREAS, a letter was received by the Commission Office from Mr. Gary Delagnes, POA President, representing Officer Kenneth Canedo, withdrawing his appeal of the Chief's suspension for further proceeding before the Chief of Police; therefore be it

RESOLVED, that the request for withdrawal of appeal of the Chief's suspension filed by Officer Kenneth Canedo for further proceeding before the Chief of Police is hereby approved.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Sparks, Veronese

**SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS**

Commissioner Renne asked the Commissioners to be prepared for September 13<sup>th</sup> at 4:00 p.m. to look at the Lankford exhibits and schedule to have the hearing at 6:00 p.m. Also, next week, Commissioner Renne would like to go over the status of other cases.

Commissioner Sparks asked as to what happened to the Kroll Report and would like a status report from the Chief. Commissioner Sparks also would like an overview on crime citywide. Chief Fong stated will put together a report for the Commission.

Commissioner Sparks asked for an update on the video investigation.

Commissioner DeJesus asked that the recruitment and retention report be put back on the calendar.

Commissioner Campos asked about community meetings.

Commissioner Renne stated that restructuring district meetings will be placed on the agenda.

**PUBLIC COMMENT**

None

**PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION**

None

**VOTE ON WHETHER TO HOLD CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))**

Motion by Commissioner Campos, second by Commission DeJesus to hold Closed Session. Approved 6-0.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957.9(b) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b)**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police

**VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))**

Motion by Commissioner Campos, second by Commissioner Veronese for non disclosure. Approved 6-0.

**ADJOURNMENT**

Motion by Commissioner Veronese, second by Commissioner Campos to adjourn the meeting in memory of Officer Nick-Tomasito Birco. Approved 6-0.

Thereafter, the meeting was adjourned at 10:25 p.m.

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Sergeant Joseph Reilly  
Secretary  
San Francisco Police Commission

1497/rct